

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

W&T OFFSHORE, INC., AND
W&T ENERGY VI, LLC,

Plaintiffs,

V.
ENDURANCE ASSURANCE CORPORATION,
AND LEXON INSURANCE CO.

Defendants.

Civil Action No. 4:24-CV-03047

U.S. SPECIALTY INSURANCE
COMPANY,

Plaintiff,

v.
04113

W&T OFFSHORE, INC., AND
W&T ENERGY VI, LLC,

Defendants.

Civil Action No. 4:24-CV-

UNITED STATES FIRE INSURANCE
COMPANY,

Plaintiff,

v.
W&T OFFSHORE, INC., AND
W&T ENERGY VI, LLC,

Defendants.

Civil Action No. 4:24-CV-04395

PENNSYLVANIA INSURANCE
COMPANY,

Plaintiff,

v.
W&T OFFSHORE, INC.,

Defendant.

Civil Action No. 4:24-CV-04400

**REPLY IN SUPPORT OF
JOINT MOTION BY THE SURETIES TO REMOVE ATTORNEY'S EYES
RESTRICTION ON EX PARTE NOTICE**

Defendants, Endurance Assurance Corporation and Lexon Insurance Company; Plaintiff, U.S. Specialty Insurance Company; Plaintiff, United States Fire Insurance Company; and Plaintiff, Pennsylvania Insurance Company (collectively, the “Sureties”) file this joint reply in further support of their joint motion to remove the outside attorney’s eyes only restriction on the *ex parte* notice (the “Motion,” Dkt. 100).

The Sureties respectfully submit that the Court should grant their Motion to allow dissemination of the *ex parte* notice (Dkt. 96) to their respective clients. However, the Sureties do not seek, nor do they believe it would be appropriate at this time, for the Court to order that the information be publicly disseminated.

W&T argues that the content of the *ex parte* notice is so sensitive that even outside counsel should not access it. Yet, W&T simultaneously suggests that allowing client review by the Sureties would justify lifting all confidentiality protections. The Sureties disagree. As it stands, outside counsel for the Sureties are unable to fully advise their clients on matters that could directly impact their risk exposure and litigation strategy. This limitation should be lifted. However, dissemination should remain restricted to the Sureties and not extend further. If necessary, the Court can enter a protective order so the Sureties do not further disseminate the communication.

Two judicial officers who reviewed the *ex parte* notice have since recused themselves. In order to avoid further disruptions of this nature, the Sureties respectfully propose that the information be shared with their respective clients only—not the public at large, and not even with Magistrate Judge Palermo or Judge Hanen, unless the Court determines otherwise.

Dated: May 28, 2025

Respectfully submitted,

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**ATTORNEYS FOR PENNSYLVANIA
INSURANCE COMPANY and UNITED
STATES FIRE INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2025, I filed this document electronically with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all parties of record in the captioned case.

/s/ Jason M. Halper
Jason M. Halper